

House File 653

H-1400

1 Amend House File 653 as follows:

2 1. Page 144, after line 22 by inserting:

3 <DIVISION ____
4 DISTRIBUTION OF FEDERAL FUNDS — RESTRICTIONS RELATED TO
5 ABORTION

6 Sec. ____ . DISTRIBUTION OF FEDERAL PUBLIC HEALTH SERVICES
7 ACT FUNDS FOR FAMILY PLANNING.

8 1. The department of public health shall annually apply
9 to the United States department of health and human services
10 for grant funding under Tit. X of the federal Public Health
11 Services Act, 42 U.S.C. §300 et seq. The department shall
12 ensure that Title X grantees distribute all grant funding
13 received to contractor entity applicants in the following order
14 of priority:

15 a. Public entities that provide family planning services
16 including state, county, or local community health clinics and
17 federally qualified health centers.

18 b. Nonpublic entities that, in addition to family planning
19 services, provide required primary health services as described
20 in 42 U.S.C. §254b(b)(1)(A).

21 c. Nonpublic entities that provide family planning
22 services but do not provide required primary health services as
23 described in 42 U.S.C. §254b(b)(1)(A).

24 2. Notwithstanding the prioritization order for
25 distribution of grant funding pursuant to subsection 1,
26 a contractor entity that received grant funds through a
27 formal agreement with a Title X grantee during the fiscal
28 year beginning July 1, 2016, and that would not otherwise
29 be excluded under subsection 4 due to performing abortions
30 or maintaining or operating a facility where abortions are
31 performed, or under subsection 5 due to use of the grant funds
32 for direct or indirect costs relating to providing abortions,
33 shall be deemed to meet the same level of priority as those
34 contractor entities specified in subsection 1, paragraph "a"
35 for consideration in the distribution of grant funding.

1 3. Distribution of funds under this section shall be made in
2 a manner that continues access to family planning services.

3 4. Distribution of funds shall not be made to any contractor
4 entity that performs abortions or that maintains or operates a
5 facility where abortions are performed. For the purposes of
6 this section, "abortion" does not include any of the following:

7 a. The treatment of a woman for a physical disorder,
8 physical injury, or physical illness, including a
9 life-endangering physical condition caused by or arising from
10 the pregnancy itself, that would, as certified by a physician,
11 place the woman in danger of death.

12 b. The treatment of a woman for a spontaneous abortion,
13 commonly known as a miscarriage.

14 5. Funds distributed in accordance with this section shall
15 not be used for direct or indirect costs, including but not
16 limited to administrative costs or expenses, overhead, employee
17 salaries, rent, and telephone and other utility costs, related
18 to providing abortions as specified in this section.

19 6. The department of public health shall submit a report to
20 the governor and the general assembly, annually by January 1,
21 listing any contractor entities that received funds pursuant
22 to subsection 1, paragraph "c", and the amount and type of
23 funds received by such contractor entities during the preceding
24 calendar year. The report shall provide a detailed explanation
25 of how the department determined that distribution of funds to
26 such a contractor entity, instead of to a contractor entity
27 described in subsection 1, paragraph "a" or "b", was necessary
28 to prevent severe limitation or elimination of access to
29 family planning services in the region of the state where the
30 contractor entity is located.

31 7. For the purposes of this section:

32 a. "Contractor entity" means an entity that receives Title
33 X grantee funds through a formal agreement with the Title X
34 grantee and whose purpose is to carry out direct services to
35 clients.

1 b. "Title X grantee" means the entity that receives
2 a federal Title X grant and assumes legal and financial
3 responsibility for good stewardship of public funds.

4 Sec. _____. RIGHT OF INTERVENTION. The sponsor or cosponsors
5 of this division of this Act, as an agent or agents of the
6 state, shall have standing to intervene on behalf of the
7 general assembly as a party in any judicial or administrative
8 proceeding challenging the provisions of this division of this
9 Act.

10 Sec. _____. SEVERABILITY. If any provision of this division
11 of this Act or the application of this division of this Act to
12 any person or circumstances is held invalid, the invalidity
13 shall not affect other provisions or applications of this
14 division of this Act which can be given effect without the
15 invalid provisions or application and, to this end, the
16 provisions of this division of this Act are severable.>

17 2. By renumbering as necessary.

SALMON of Black Hawk